

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)

MDL NO. 1456

Civil Action No. 01-12257-PBS

U.S. DISTRICT COURT
DISTRICT OF MASS

THIS DOCUMENT RELATES TO)
01-CV-12257-PBS AND 01-CV-339)

Hon. Patti B. Saris

**MOTION FOR LEAVE TO FILE UNDER SEAL THE ELECTRONIC
EXHIBITS TO THE PREVIOUSLY-FILED DECLARATION OF JAYSON S. DUKES**

Johnson & Johnson, Ortho Biotech Products, L.P., and Centocor, Inc. (the "Johnson & Johnson Defendants"), by their attorneys, respectfully move this Court for leave to file the annexed DVD, which contains the electronic exhibits to the Declaration of Jayson S. Dukes in Support of the Johnson & Johnson Defendants' Motion for Summary Judgment as to Class 1 and Class 2 (the "Dukes Declaration"). The Dukes Declaration was filed with the Court on March 15, 2006, without electronic exhibits. The electronic exhibits consist of extremely large data files that are too voluminous to provide in paper form. The electronic exhibits have been provided to counsel for plaintiffs herein.

Pursuant to the Protective Order entered by this Court on December 13, 2002 (the "MDL Protective Order"), the parties in the above captioned cases have designated many documents and other information produced in these cases as either "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." The annexed DVD contains information that has been designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." Pursuant to paragraph 15 of

the MDL Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

WHEREFORE, the Johnson & Johnson Defendants respectfully request that this Court grant them leave to file the annexed DVD under seal.

Dated: March 16, 2006

/s/ Andrew D. Schau

Andrew D. Schau (admitted *pro hac vice*)
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs consent to this motion.

/s/ Andrew D. Schau

Andrew D. Schau

CERTIFICATE OF SERVICE

I certify that on March 16, 2006 a true and correct copy of the foregoing motion was served on all counsel via Lexis/Nexis.

/s/ Andrew D. Schau

Andrew D. Schau